

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emma Kaisla	Team: Squad #15	CCRB Case #: 202003306	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/02/2020 9:30 PM	Location of Incident: § 87(2)(b)	Precinct: 60	18 Mo. SOL 11/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 05/15/2020 1:22 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 05/15/2020 1:22 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Nicole Fox	22143	962410	060 PCT
2. Officers			
3. POM James Robinson	09334	953322	060 PCT
4. LSA Timothy Brovakos	00000	943025	071 PCT
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Cefarello	21250	962303	060 PCT
2. SGT John Christie	02227	915452	060 PCT
3. POF Shannon Fahy	02609	961748	060 PCT
4. POM Matthew James	27321	968512	060 PCT
5. POM Thomas Petronis	12109	957032	060 PCT
6. POF Christina Dagostino	04033	958460	060 PCT
7. LT Michael Desposito	00000	948876	060 PCT
8. POM Mubbashar Zahid	03267	965634	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Nicole Fox	Discourtesy: Police Officer Nicole Fox spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POF Nicole Fox	Off. Language: Police Officer Nicole Fox made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)
C.POF Nicole Fox	Discourtesy: Police Officer Nicole Fox spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D. An officer	Force: An officer used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM James Robinson	Abuse: Sergeant James Robinson threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
F.POF Nicole Fox	Abuse: Police Officer Nicole Fox issued a retaliatory summons to § 87(2)(b)	
G.LSA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos seized § 87(2)(b) property.	
H.LSA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos searched the vehicle in which § 87(2)(b) was an occupant.	
I. Officers	Abuse: Officers damaged § 87(2)(b) property.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On May 15, 2020, § 87(2)(b) filed this complaint with the CCRB via the online complaint form.

On May 2, 2020 at about 9:30p.m. § 87(2)(b) arrived at his home at § 87(2)(b) § 87(2)(b) in Brooklyn and parked outside across the street. PO Michael Cefarello and PO Nicole Fox of the 60th PCT were stationed at a fixed post at the location, with their vehicle parked on the sidewalk and a reserved section of the street parking in front of it demarcated with cones. While parking, § 87(2)(b) knocked over one of these police cones with his vehicle, and he and the officers got into a dispute about the cone. During this dispute, PO Fox alleged told § 87(2)(b) to “shut the fuck up” and called him a “nigger” (**Allegation A: Discourtesy, § 87(2)(g)** **Allegation B: Offensive language, § 87(2)(g)** **Allegation C: Discourtesy, § 87(2)(g)** PO Fox requested § 87(2)(b) ID and he refused, instead locking himself in his vehicle until a supervisor arrived. PO Fox radioed for additional units and Sgt. John Christie, PO Christina D’Agostino, PO James Robinson, PO Shannon Fahy, PO Matthew James, PO Thomas Petronis, Lt. Michael Desposito, Lt. Timothy Brovakos, and PO Mubbashar Zahid arrived. With more officers on scene, § 87(2)(b) exited the vehicle. Officers handcuffed him, twisting his arms past normal flexibility while doing so (**Allegation D: Force, § 87(2)(g)** PO Robinson allegedly pressed a Taser to § 87(2)(b) back (**Allegation E: Abuse of Authority, § 87(2)(g)**

Officers transported § 87(2)(b) to the 60th PCT stationhouse, where PO Fox issued him six summonses (**Allegation F: Abuse of authority, § 87(2)(g)** Officers under Lt. Brovakos’ supervision removed § 87(2)(b) vehicle to the stationhouse where they searched it (**Allegation G: Abuse of authority, § 87(2)(g)** **Allegation H: Abuse of authority; § 87(2)(g)** Officers allegedly damaged perfume bottles § 87(2)(b) had in his vehicle during this search (**Allegation I: Abuse of authority, § 87(2)(g)**

There is BWC footage of the incident from PO D’Agostino, Sgt. Christie, PO Fahy, PO James, PO Petronis, and PO Robinson (Board Review 09-15, transcribed in Board Review 16). § 87(2)(g), § 87(4-b)

§ 87(2)(b). PO Cefarello did not make any BWC recordings because his camera was malfunctioning; he properly notated this in his memo book. § 87(2)(b) also recorded the incident on his cellphone (Board Review 06, transcribed in Board Review 07). The investigation obtained security footage from § 87(2)(b) that captures the incident (Full video in Board Review 19, cropped subclip at Board Review 20, transcribed in Board Review 21). References to video evidence in this report refer to the timestamp in the video player rather than the on-screen clock embedded in the video itself.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Nicole Fox spoke discourteously to § 87(2)(b)
Allegation (B) Offensive Language: Police Officer Nicole Fox made remarks to § 87(2)(b) based upon race.
Allegation (C) Discourtesy: Police Officer Nicole Fox spoke discourteously to § 87(2)(b)

§ 87(2)(b) provided an initial statement via the CCRB’s online complaint from on May 15, 2020 (Board Review 01). He was interviewed on May 22, 2020 (Board Review 02). § 87(2)(b) gave a telephone statement on June 15, 2020 (Board Review 03). § 87(2)(b) a building security guard, gave two statements on June 16 and June 30, 2020 (Board Review 04-05)

It is undisputed that after § 87(2)(b) hit the police cone, PO Cefarello and PO Fox, stationed at the fixed post, approached his vehicle, where § 87(2)(b) and the officers had a disagreement about the cones. § 87(2)(b) used profanity in this conversation. It remains in dispute whether PO Fox used profanity or offensive language towards § 87(2)(b) during this conversation.

§ 87(2)(b) testified that he initially had a dispute with only PO Cefarello, but PO Fox approached shortly after him and joined in. § 87(2)(b) told her to shut up because he was not talking to her. She replied "shut the fuck up," to which § 87(2)(b) told her to shut the fuck up and called her a bitch. She responded by calling him a "nigger" and telling him "you shut the fuck up." This made § 87(2)(b) upset, and the two cursed back and forth at each other. § 87(2)(b) did not recall the specifics of this cursing but stated both he and PO Fox repeated insults such as "shut the fuck up," "bitch", and "stupid" to each other.

§ 87(2)(b) was not able to hear the contents of the conversation between § 87(2)(b) and officers, and § 87(2)(b) only heard PO Fox ask § 87(2)(b) for his ID. He did not hear anything else.

There is no BWC of this part of the encounter because PO Cefarello's BWC was nonfunctional, and § 87(2)(g), § 87(4-b)

§ 87(2)(b) made a recording on his cellphone that began after the discourtesies and offensive language were alleged to have occurred.

Both officers testified that they approached § 87(2)(b) passenger side window, which was down, and spoke to him. They told him he was on the police cones and asked him to move. After this brief conversation about the cones, § 87(2)(b) began using profanity and yelling at the officers.

PO Fox testified that § 87(2)(b) responded to the officers' address by yelling and saying that he did not trust the officers. He got out of his vehicle to check the cones, then got back inside and informed officers he purposely hit the cones. PO Fox and PO Cefarello were still at the passenger side, and § 87(2)(b) was in the vehicle. Then § 87(2)(b) got out of the car and continued using profanity, at which point PO Fox asked for his ID. PO Fox stated she tried to remain professional and asked for § 87(2)(b) ID to draw a line regarding his behavior. PO Fox denied engaging in a back-and-forth exchange of insults with § 87(2)(b). She denied using any profanity during the incident, telling § 87(2)(b) to "shut the fuck up," or telling him to shut up. She denied making any comments to him related to race or calling him a "nigger."

PO Cefarello did not recall PO Fox using any kind of profanity but testified that "she may have." While he had no specific recollection of her using profanity, he stated he could not testify definitively that she did not use any at all. While § 87(2)(b) was in the car, PO Cefarello was close by PO Fox the entire time. However, there was possibly a time where he was on the other side of the car from her. He did not recall PO Fox telling § 87(2)(b) to "shut the fuck up." While he did not recall if she used profanity, he was certain he did not hear her make any race-based comments or use the slur "nigger".

Though PO Cefarello testified that PO Fox "may have" used profanity, he had no specific recollection of it and the investigation did not find this sufficient to corroborate the entirety of § 87(2)(b) account. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (D) Force: An officer used physical force against § 87(2)(b)

When § 87(2)(b) exited his vehicle, no officer gave him any kind of instruction. § 87(2)(b) turned around and gave PO Fox and other officers his arms. § 87(2)(b) felt that they were trying to take him to the ground, but because his door was open, he could not go to the ground. Officers pressed him against his car door instead. § 87(2)(b) was surrounded by officers, but only three or four of them actually touched him. § 87(2)(b) was not resisting at all, and he told officers that he was not resisting and that they were being too aggressive. PO Fox spun § 87(2)(b) arm up his back. His wrists were twisted and bent forward in the direction he described as if one was throwing a basketball. At the same time officers pushed his arms up his back beyond normal flexibility. His wrists were almost up to his shoulder blades. § 87(2)(b) called to an officer in the white shirt, saying his officers were being too rough and that § 87(2)(b) just wanted to speak to him. This white-shirted officer, identified by the investigation as Lt. Brovakos, explained the officers were using that kind of force because § 87(2)(b) sweater was bulky. Afterwards, § 87(2)(b) had bruising and swelling on his wrists. § 87(2)(b) left wrist hurt more than his right. He did not seek medical treatment for his wrists.

PO Fox, PO Cefarello, and PO Robinson testified consistently that when back-up arrived, PO Fox reached in through the open window and opened the driver's door. PO Fox, PO Cefarello, PO Robinson, PO D'Agostino, and possibly other officers removed him from the vehicle and put handcuffs on him. All officers denied twisting § 87(2)(b) arms up his back towards his shoulder blades and denied witnessing any officer doing so.

§ 87(2)(b) phone, left in his vehicle, records audio after he exits the vehicle. At 1:15 into the recording § 87(2)(b) is heard asking "I'm not resisting, so I don't know why she's doing that so hard" Lt. Brovakos is then heard saying it is "because [his] sweatshirt is bunched up." § 87(2)(b) states he is not resisting, and Lt. Brovakos acknowledges he is not but states the officers are trying to get his hands cuffed (Board Review 06)

The beginnings of PO D'Agostino and PO Robinson's BWC recordings capture officers removing § 87(2)(b) from his vehicle and handcuffing him. PO Robinson touches § 87(2)(b) first and pulls him out of the vehicle, at which point PO Fox, PO Cefarello and PO D'Agostino reach around and over each other, all making contact with § 87(2)(b) arms and hands. PO Fox is last visible touching § 87(2)(b) at 0:55 minutes into PO D'Agostino's recording (Board Review 09). Shortly after, at 0:58 minutes into the same recording, the screen goes black until 1:11 minutes, at which multiple pairs of hands are visible in the frame handling § 87(2)(b) hands and arms. At 0:21 seconds into PO Robinson's BWC, PO Robinson is visible holding § 87(2)(b) arm and pulling him from the vehicle, before the screen is obscured by rapid motion, darkness, and the proximity of § 87(2)(b) body and other officers' hands and arms to PO Robinson's camera (Board Review 15). At 0:56 minutes into the same recording, PO D'Agostino holds § 87(2)(b) while PO Fox stands behind her on the other side of the open car door and two other hands appear to apply handcuffs to § 87(2)(b). While PO Robinson's video shows that PO Fox was behind the car door away from § 87(2)(b) by the end of the handcuffing, neither recording captures exactly when she stepped back behind the door.

Even at moments when officer hands are clearly visible handling § 87(2)(b) in both videos the rapid movement and multiple pairs of hands make it impossible to distinguish one officer from another by their hands, or to determine if any officer is applying improper force or pushing § 87(2)(b) arms beyond normal flexibility. Although § 87(2)(b) specifically alleged that PO Fox was involved in twisting his arms, BWC shows that she stepped back from the group earlier than other

officers. Still, the BWC does not clearly capture the entirety of the contact PO Fox or any other officer made with § 87(2)(b) arms. § 87(2)(g)

Allegation (E) Abuse of Authority: PO Robinson threatened § 87(2)(b) with the use of force.

It is undisputed that multiple officers including PO Robinson handcuffed § 87(2)(b) as he exited the vehicle. It remains in dispute if PO Robinson pressed his Taser against § 87(2)(b) back.

§ 87(2)(b) testified that once his handcuffs were on and an officer was searching him, he turned his head back to observe what was going on. The officers then pushed him back up against his car. § 87(2)(b) felt one of the officers press a hard, solid object against his back. § 87(2)(b) did not see the object, only felt it; he suspected it might be a Taser. The object was smaller than a 2x4 plank of wood but was harder and wider than a finger. It felt like either a Taser, barrel of a gun, or baton might feel pressed against one's back. The officer who pressed this into his back was one of the officers involved in the handcuffing and search of his person, but § 87(2)(b) was not sure which officer it was because of the intensity of the situation. He asked the officer if he had a gun against his back but did not recall any officer answering his question.

BWC from multiple officers captures the handcuffing and search of § 87(2)(b). After officers handcuff § 87(2)(b) PO Robinson holds § 87(2)(b) by himself for a brief period as other officers step back. Lt. Brovakos speaks to § 87(2)(b) § 87(2)(b) demeanor is calm, and he does not appear to be moving his body. Due to motion and lighting conditions, no video captures a clear view of § 87(2)(b) back for the entire encounter. Based on PO Robinson's BWC however, the investigation determined him to be the subject of this allegation. At about 1:09 into PO Robinson's BWC recording, § 87(2)(b) is heard asking PO Robinson if he has a gun on his back. PO Robinson states "it's my hand" (Board Review 15). There is no other part of any BWC recording that corresponds to § 87(2)(b) description of the threat of force. While PO Robinson's BWC captures this conversation, his BWC does not clearly capture the movement or placement of his hands within the frame. No apparent visual of a gun or Taser is captured in PO Robinson's BWC at any point.

In PO D'Agostino's BWC at 1:31 minutes into the recording, PO Robinson is visible holding § 87(2)(b) with his right and using his left hand to activate his BWC (Board Review 09). At 1:33 minutes, his right hand continues to hold § 87(2)(b) and his left hand makes contact somewhere on § 87(2)(b) lower back or handcuffed wrists. His yellow Taser is visible holstered at his waist on his left side. Between then and 1:41 minutes when § 87(2)(b) asks PO Robinson if he has a gun to his back neither of PO Robinson's hands or arms make any significant movements. At 1:48 minutes into the recording the yellow Taser is again visible in PO Robinson's holster.

PO Robinson testified he was on the right side of § 87(2)(b) body during the handcuffing. PO Robinson had a Taser on his belt but did not draw it during the incident. He did not press a Taser against § 87(2)(b) back while handcuffing him. PO Robinson did not threaten to use his Taser, and § 87(2)(b) behavior did not warrant the use of a Taser. Shown a portion of his BWC containing the above-described exchange with § 87(2)(b) PO Robinson stated he did not have anything pressed to § 87(2)(b) back and reiterated he did not draw his Taser or firearm. PO Robinson did not recall how his hand was positioned on § 87(2)(b) body.

Per PO D'Agostino's BWC—which captures PO Robinson's Taser in its holster at 1:33 minutes and again at 1:48 minutes—if PO Robinson did draw his Taser, he would have had to unholster it,

press it against § 87(2)(b) back, and re-holster it within only 15 seconds. The investigation finds this improbably fast, and all the more so given that PO Robinson's arms appear to remain static in their positions on § 87(2)(b) body during those 15 seconds. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Nicole Fox issued a summons to § 87(2)(b)

§ 87(2)(b)

It is undisputed that after § 87(2)(b) hit the police cone with his vehicle, PO Cefarello and PO Fox approached the passenger side of his car, a dispute over the cone ensued, and § 87(2)(b) exited his vehicle at least once to check the location of the cone. He then reentered his vehicle and locked himself inside. No one else participated in the verbal dispute, and § 87(2)(b) directed his profanity at only PO Fox and PO Cefarello. § 87(2)(b) eventually exited the vehicle and officers brought him to the stationhouse, where PO Fox issued him six summonses: two criminal summonses for disorderly conduct (making unreasonable noise) and reckless driving; and four moving summonses for unsafe backing up, failure to comply with a lawful order, driving through a safety zone, and failure to signal lane change (Board Review 17). The specifics of § 87(2)(b) behavior during the argument over the cone and whether it constituted disorderly conduct remain disputed.

As described above, § 87(2)(b) testified that his dispute with PO Cefarello began while he was jumpstarting his neighbor's vehicle. § 87(2)(b) and PO Cefarello argued back and forth, but neither used any profanity. After § 87(2)(b) moved his vehicle into the spot, PO Fox also approached his vehicle and joined the dispute. § 87(2)(b) and PO Fox exchanged profanities with each other. In his online complaint, § 87(2)(b) stated he told PO Fox "no you shut the fuck up you white bitch." During this dispute, PO Fox did not give § 87(2)(b) any kind of police instruction—they were simply arguing. § 87(2)(b) still in the driver's seat, then rolled back up his passenger-side window in order to end the argument. After a pause of about 30 seconds to a minute and a half, PO Fox approached § 87(2)(b) on the driver's side. She opened his driver's-side door saying "do me a favor and step out of the car." § 87(2)(b) closed the door and locked it. § 87(2)(b) took his phone and began to record. His window was cracked open at the top. The two debated if he should get out of the car and why, and PO Fox attempted to open his door. § 87(2)(b) asked for a supervisor, and PO Fox asked for § 87(2)(b) ID. He asked why she needed it. She said "because I said so" and then "you wanna curse at me? that's disorderly."

§ 87(2)(b) provided a video he recorded from his driver's seat during the incident (Board Review 06). PO Fox and PO Cefarello stand at the driver's-side window, instructing him to open his door. His window is rolled up, muffling the voices of the officers. At 0:08 minutes PO Fox states she asked him for ID. § 87(2)(b) asks why. The audio cuts out briefly, but PO Fox is audible saying "—curse and be disorderly, right? I wanna see your ID". § 87(2)(b) states he will not provide it.

Both officers testified that they approached the passenger side of § 87(2)(b) vehicle and asked what was going on and why he was on the cones. § 87(2)(b) responded by yelling at the officers. The passenger side window was down but neither officer recalled if the others were rolled up or down. Both officers observed § 87(2)(b) had committed traffic infractions while pulling into the parking space where he was parked.

PO Fox testified that after officers approached and spoke to § 87(2)(b) he responded by yelling and saying he did not trust the officers. He got out of the truck to check the cones, then got back

inside and told officers he hit the cones on purpose. § 87(2)(b) was making additional statements, but PO Fox did not recall what he said. PO Fox started to say something, and § 87(2)(b) said “I’m not talking to that white cracker bitch.” § 87(2)(b) was in the vehicle when he said this. PO Fox and PO Cefarello were still at the passenger side. Then § 87(2)(b) got out of the vehicle and used profanity with PO Fox, including “suck my black fucking dick you white cracker bitch.” He said and screamed other similar profane statements. PO Fox believed at that point that he could be summonses for traffic infractions committed while moving into the spot where he was parked, running over department property, and being disorderly. While she believed this previous behavior warranted asking for his ID, that profane comment was the last thing that ultimately prompted her to request his ID. PO Fox believed § 87(2)(b) was being disorderly because of the profane things he was saying repeatedly, because he was yelling, and moving his hands. She did not remember specifically how he moved his hands. He was causing a scene –people had started to gather on the opposite side of the street in front of the § 87(2)(b) building. She did not recall how many people gathered. She did not remember if any civilian interacted with the officers and § 87(2)(b) or if anyone tried to get involved. When requesting § 87(2)(b) ID to issue the summonses, PO Fox did not suspect § 87(2)(b) of any other kind of criminality besides traffic infractions and disorderly conduct. PO Fox ultimately decided what summonses she was going to issue when she returned to the stationhouse.

PO Fox wrote the following in the summons for disorderly conduct she issued to § 87(2)(b) “At TPO undersigned observed the defendant on a public street, with intent to cause a disruption, scream at a very high volume “suck my fucking black dick you fucking white cracker!” the volume of defendants [sic] voice was unreasonable for the area, which is residential. Defendants [sic] actions caused a crowd to gather” (Board Review 18).

PO Cefarello stated that while standing at the passenger side of § 87(2)(b) vehicle, he asked him why he had an attitude; § 87(2)(b) pointed at PO Fox and said “fuck that bitch, she can suck my black dick.” He was still in the driver’s seat when he said this. He used other similar profanity to address the officers, but PO Cefarello did not recall the specifics. After cursing and yelling at PO Fox, § 87(2)(b) got out of his car. PO Cefarello told him he had to move the car and PO Fox asked him for his license. PO Fox asked for his license because they wanted to identify him for the traffic infractions he had committed. When PO Fox asked for his license, § 87(2)(b) refused. PO Cefarello did not remember specifically how he responded but noted he behaved aggressively by tensing up and making furtive movements. He seemed agitated and upset. He then got back into the car and locked the door with the window up. PO Cefarello did not believe the car was on at that point. § 87(2)(b) was committing disorderly conduct by screaming, yelling, and causing a commotion. He began screaming and yelling when he was in the car, continued while he was outside of the car, but mostly calmed down once he re-entered the car. PO Cefarello stated that no civilian approached the officers and § 87(2)(b) during the incident, and he did not recall any individual or group of civilians approaching while § 87(2)(b) was yelling.

PO Fox testified that § 87(2)(b) made the comment regarding fellatio referenced in his summons while standing on the street outside his vehicle. § 87(2)(b) stated that he exchanged profanity with PO Fox while sitting in his vehicle, and PO Cefarello testified consistently that § 87(2)(b) made the comment regarding fellatio and used other profanity while sitting within his vehicle. PO Cefarello later testified that § 87(2)(b) also yelled when he exited his vehicle. Given the consistent officer and civilian testimony, the investigation credits that § 87(2)(b) was sitting inside his vehicle for at least the comment referenced on his summons. As discussed in the previous section, the investigation was unable to determine whether PO Fox also used profanity during the dispute with § 87(2)(b). Given the testimony, there is insufficient evidence to determine what, if anything, § 87(2)(b) was doing with his arms.

Security footage from § 87(2)(b) captures the incident, but the lighting conditions are dim and the recording has several instances of frame loss. All references to the security footage here reference the cropped subclip (Board Review 20) and not the full recording (Board Review 19). At 5:12 minutes into the subclip, a vehicle pulls out of a parking spot and drives away; § 87(2)(b) vehicle moves into the spot. § 87(2)(b) continues to interact with officers for the next several minutes of footage, at times inside and at times outside his vehicle. Between 5:36 and 6:58 minutes two females come out and stand on the opposite sidewalk in front of § 87(2)(b) however they appear to be on their phones and at least one has her back to the events occurring across the street. At 6:30 minutes into the recording, one male in a blue sweatshirt exits the building and watches the street from the entry area of the building, then appears to approach the vehicle, § 87(2)(b) and officers at 7:05 minutes. At 8:05 minutes he walks back towards § 87(2)(b) from the vehicle. Lighting conditions of the video preclude the investigation from determining how close he approached and if he interacted with officers and § 87(2)(b). Additional police vehicles begin arriving at 9:08 minutes.

The first appearance of what can reasonably be termed a “group” of people on the sidewalk occurs at 9:55 minutes, after multiple police vehicles have already arrived—an individual watches from the § 87(2)(b) door, two people stand on the sidewalk, and a doorman in a yellow dayglow vest exits § 87(2)(b) and approaches the street and officers. After that point additional civilians continue to gather near the door to § 87(2)(b) and watch events in the street.

A person is guilty of disorderly conduct when they (2) make unreasonable noise with intent to cause public inconvenience, annoyance or alarm, or recklessly create a risk thereof, NYS Penal Law 240.20 (Board Review 22).

Per People v. Baker, 20 NY3d 354 (2013), to constitute disorderly conduct, a person’s disruptive statements and behavior must be of a public rather than only an individual dimension and must extend beyond the individual disputants to a point where it becomes a potential or immediate public problem. Isolated statements using coarse language to criticize the actions of a police officer, unaccompanied by provocative acts or other aggravating circumstances, will rarely afford a sufficient basis to infer the presence of the intent to cause public harm that would warrant a disorderly conduct charge. Furthermore, any inference of a threat to public harm is further undermined if civilian’s statements are *exclusively* directed at police officers, since the latter are trained to defuse situations with angry or emotionally distraught individuals. The court also found that civilian witnesses who gather to observe a police action on the basis of their curiosity, especially if they do not verbally or physically involve themselves in the police action, do not support the requisite public harm element (Board Review 23).

Though the male in the blue sweatshirt appears to watch the incident from the front door of § 87(2)(b) before approaching the immediate vicinity of the incident, neither § 87(2)(b) nor officers mentioned him in their testimony. Neither officer testified to a male individual attempting to involve himself in the police action; on the contrary, PO Cefarello testified that no civilian attempted to involve themselves. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Further, one individual watching from the front door of § 87(2)(b)—separated by two rows of fencing and decorative greenery from the sidewalk—does not corroborate PO Fox’s description of a crowd on the sidewalk. While PO Fox described a crowd gathering as a result of

§ 87(2)(b) behavior, security footage shows that no such crowd gathered until after multiple police vehicles with flashing lights were already on scene. § 87(2)(g)

§ 87(2)(g)

The only testimony suggesting the requisite intent was PO Fox's statement on the summons that § 87(2)(b) acted "with intent to cause public disruption." Besides the unspecific declaration that he had such an intent, PO Fox did not articulate in the summons or in her CCRB statement any way § 87(2)(b) behavior demonstrated intent to extend the disruption beyond the individual disputants; it is undisputed that he did not speak to anyone besides PO Fox and PO Cefarello nor attempt to involve bystanders in the dispute. The balance of testimony suggests that § 87(2)(b) was seated within his own vehicle for at least part of his dispute with officers, including the comment regarding fellatio noted on his summons, further lessening the likelihood that his comments reached the ears of anyone besides the officers.

§ 87(2)(g)

§ 87(2)(g) While PO Fox testified that § 87(2)(b) hand movements contributed to her belief he was committing disorderly conduct, she was unable to recall how he moved his hands. PO Cefarello testified that § 87(2)(b) was making "furtive movements." Given that "furtive" is defined by Oxford Languages as attempting to *avoid* notice or attention, § 87(2)(g)

§ 87(2)(g)

PO Fox's testimony that although she believed his previous behavior justified a summons, she only took police action after § 87(2)(b) insulted her. § 87(2)(g)

Allegation (G) Abuse of Authority: Lt. Brovakos seized § 87(2)(b) property.

Allegation (H) Abuse of Authority: Lt. Brovakos searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that West 24th Street was a one-way street with legal street parking on both sides. At the time of the incident the 60 PCT maintained a fixed post on the side across from § 87(2)(b) building, § 87(2)(b). The post involved a police vehicle parked on the sidewalk and a section of the legal street parking reserved for police use with cones. There was no posted signage about this reserved zone. This reserved zone was to allow the police vehicle to move off the sidewalk if necessary. While parking his vehicle, § 87(2)(b) hit at least one of the cones marking this reserved zone. When § 87(2)(b) was arrested, PO Cefarello drove § 87(2)(b) vehicle to the stationhouse. No search of the vehicle occurred on scene, but at the stationhouse officers searched § 87(2)(b) vehicle. They prepared no vouchers or paperwork regarding the search. No summonses were issued for anything found in § 87(2)(b) vehicle during the search. After officers released § 87(2)(b) with his summonses, they also released his vehicle to him, which he drove

home. It remains in dispute whether § 87(2)(b) parked his vehicle in a legal parking space, whether there was an odor of marijuana emanating from his vehicle, and whether the police were legally justified in seizing and searching § 87(2)(b) vehicle.

§ 87(2)(b) testified he parked on the same side as his building, but given consistent officer testimony and security footage from § 87(2)(b) the investigation determined this was a misremembered detail, and the incident happened on the opposite side of the street.

§ 87(2)(b) stated that when he arrived at his residence, a neighbor parked in a legal spot on the street requested his help jumpstarting his vehicle. § 87(2)(b) double parked next to his neighbor and the two jumpstarted his vehicle. While they were doing so, PO Cefarello approached and shouted that there was no double parking. While PO Cefarello watched, § 87(2)(b) and his neighbor finished jumpstarting the vehicle. The neighbor then drove away, and § 87(2)(b) moved his car into the space his neighbor had occupied. This space was right next to the police's reserved zone. While parking, § 87(2)(b) accidentally knocked over a cone that marked the end of the spot with the front of his car. § 87(2)(b) and PO Cefarello then began to argue about the cone.

After the dispute described in the above sections, § 87(2)(b) requested a supervisor. When a supervisor and additional police officers arrived, § 87(2)(b) exited his vehicle. Officers handcuffed him. While being handcuffed, § 87(2)(b) called out to his brother, § 87(2)(b) and told him to take his car keys, roll up the windows, and bring the keys up to their apartment. A white-shirted officer told § 87(2)(b) to have a nice day and told one of the officers to get in the car. § 87(2)(b) asked what was going on, because he did not give permission for anyone to go into his car. No officer asked for consent to enter the car, nor did § 87(2)(b) give consent. The car was parked in a legal parking space.

While at the stationhouse the same white-shirted officer told § 87(2)(b) that his vehicle had been searched. He explained that there was a faint smell of marijuana, and it was a "supervisor search," so they had to bring the car to the stationhouse. He told § 87(2)(b) they found a grinder and marijuana residue on the carpet. § 87(2)(b) testified that there was no odor of marijuana in the car; he had not smoked in the car because it was Ramadan, and he did not smoke during Ramadan. He acknowledged that other people sometimes use his car.

§ 87(2)(b) testified that he attempted to take § 87(2)(b) vehicle at his request, but officers told him no and to stay back. He had no further interaction with officers.

At 2:24 seconds into Sgt. Christie's BWC, § 87(2)(b) states he is giving his keys to his brother, § 87(2)(b). A male in a grey sweatshirt and grey sweatshorts, identified as § 87(2)(b) approaches. Lt. Brovakos asks where his keys are, § 87(2)(b) responds they are in his vehicle, and then Lt. Brovakos says "§ 87(2)(b) see ya later brother" (Board Review 10). At 2:40 minutes, the audio is muffled by radio and ambient sounds, but Lt. Brovakos appears to say to PO Fox and PO Cefarello "you guys wanna take the car back, the other one get in your RMP and go."

Sgt. Christie, Lt. Desposito, and Lt. Brovakos were the supervisors present on scene. Sgt. Christie and Lt. Desposito did not know what ultimately happened to § 87(2)(b) vehicle and both denied participating in the decision to remove it to the stationhouse. PO Fox and PO Cefarello both testified that they believed Lt. Brovakos made the decision to remove § 87(2)(b) vehicle to the stationhouse, and PO Cefarello testified that Lt. Brovakos instructed him specifically to drive the vehicle back. PO Cefarello testified that he along with PO Zahid and Lt. Brovakos searched § 87(2)(b) vehicle at the stationhouse. PO Zahid, Lt. Brovakos' driver, did not specifically recall search the vehicle with PO Cefarello and Lt. Brovakos, but he thought it was possible. Lt. Brovakos

did not specifically recall, but stated it was possibly his decision to remove the vehicle and acknowledged he may also have participated in a search of the vehicle. Given he was one of the two highest ranking officers on scene, because he himself thought it possible he decided to remove the vehicle, and given consistent BWC and officer testimony, the allegation of the seizure has been pled against Lt. Brovakos. Given PO Cefarello's testimony and that both PO Zahid and Lt. Brovako thought it possible they searched the vehicle with PO Cefarello, the investigation determined they were involved in the search of the vehicle at the stationhouse. Because Lt. Brovakos was the supervisor involved in the search, the search allegation is pled against him.

In the § 87(2)(b) security footage, a vehicle identified by the investigation as § 87(2)(b) double parks next to a Jeep. The hoods of both vehicles are up, apparently to jumpstart a vehicle. At 4:47 minutes § 87(2)(b) vehicle backs up and the Jeep pulls out of the spot and drives away. § 87(2)(b) vehicle pulls forward into the spot where the Jeep was parked. At 13:00 minutes into the recording, after additional police arrive and § 87(2)(b) is brought into custody, § 87(2)(b) vehicle drives away. The police vehicles follow, and at 14:13 minutes a new, apparently unrelated, white SUV approaches and parks in the same spot where the Jeep and § 87(2)(b) vehicle were previously parked. At 17:19 minutes, the last police vehicle drives away.

Both PO Fox and PO Cefarello stated consistently that § 87(2)(b) pulled rapidly into the spot marked by cones, drawing their attention. The place where § 87(2)(b) parked his vehicle was not a legal parking spot but a "safety zone". Normally the spot where he parked his vehicle would be a legal parking space if it were not blocked off by police cones. No cars were parked there prior to § 87(2)(b) arrival. When § 87(2)(b) door was opened to remove him from the vehicle, PO Fox and PO Cefarello detected an odor of marijuana. PO Fox believed the vehicle had to be taken back to the precinct because it was "a part of the incident", § 87(2)(b) was the owner, and they had to do an inventory search. PO Fox stated it was standard practice to bring a vehicle back to the stationhouse for a VTL infraction, but in this case additionally § 87(2)(b) was under arrest. If someone is under arrest, officers will bring their vehicle back. As noted in previous sections, PO Fox testified that during the incident a group of people gathered on the opposite side of the street, closer to the building. She did not recall how many people gathered. She did not remember if any civilian interacted with the officers and § 87(2)(b) or if any civilian tried to get involved in the encounter. The odor of marijuana PO Fox detected was of vegetative marijuana. PO Fox did not herself participate in the search of § 87(2)(b) vehicle at the stationhouse.

PO Cefarello testified to smelling both vegetative and burnt marijuana, but noted the burnt marijuana odor was not so strong as to lead him to believe § 87(2)(b) had recently smoked in the vehicle. After § 87(2)(b) was in handcuffs, § 87(2)(b) brother tried to take the vehicle. The officers could not allow him to do so because they had to bring it to the stationhouse because it was in his possession at the time of the incident and the officers were therefore responsible for it. Also, they had to search it because of the odor of marijuana, but they wanted to search it in a safe, controlled environment. By that point the scene was not safe because there were lots of civilians and officers around and the area was a high crime, dangerous location. At the stationhouse, PO Cefarello, Lt. Brovakos, and PO Zahid searched the vehicle. PO Cefarello stated that the search of the vehicle he conducted at the stationhouse was not an inventory search; he did not take everything out of the vehicle systemically and note it.

Lt. Brovakos testified that § 87(2)(b) vehicle was parked in an illegal parking spot, and there were no free legal spots left on the block. Therefore, officers brought back the vehicle to safeguard it as it could not stay where it was. Beyond that, there was no other reason to bring it back. Lt. Brovakos did not specifically recall a friend or family member of § 87(2)(b) attempting to take custody of the vehicle but thought it was possible it occurred. He noted the police cannot ever give

anyone's property to a third party on scene because it goes against procedure. If someone is being arrested, police will bring the vehicle back to the stationhouse and park it legally for them. If the prisoner gets a Desk Appearance Ticket, they will receive their vehicle back. Officers might also park the vehicle legally on the street if there is an available spot; if there is no parking, however, police would just bring it back to the stationhouse. Lt. Brovakos stated there "may have" been civilians across the street from the incident location and that they may have been yelling, but he did not recall this specifically. Lt. Brovakos smelled a strong odor of burning marijuana coming out of § 87(2)(b) vehicle, as if someone had lit a joint in the vehicle during the incident or just prior.

After Lt. Brovakos reviewed the security footage discussed above, Lt. Brovakos stated the extent of the safety zone was determined by officers on scene and he was not on scene for the initial part of the encounter. At the time of the incident, Lt. Brovakos was under the impression the safety zone was the entire area, including where the individual put his vehicle, but from watching the video during his CCRB interview he believed that the safety zone was actually the area *behind* the final parking spot of the vehicle. Lt. Brovakos speculated that either the place it was parked was either a legal spot or that multiple vehicles had parked in a place they were technically not allowed to park. Lt. Brovakos reiterated that when officers explained it to him on scene, they told him the vehicle was in the safety zone.

Lt. Brovakos initially stated that once the vehicle arrived at the stationhouse, he believed a search was conducted due to the odor of marijuana. Lt. Brovakos was not aware of any reason to search the vehicle other than for the odor of marijuana. He then clarified that he did not independently recall a search of the vehicle nor if he himself searched the vehicle. Lt. Brovakos did not know if there was an inventory search conducted or not. A search for marijuana and an inventory search are essentially the same, but the former is looking for evidence and the second is only to secure valuables. No paperwork is prepared for either of those searches. He was not aware of anything being recovered from the vehicle.

PO Robinson, Sgt. Christie, and Lt. Desposito did not recall if § 87(2)(b) vehicle was legally parked. PO Zahid stated § 87(2)(b) vehicle was parked in the zone marked off by cones. PO Fox and PO Cefarello were the officers assigned to the fixed post and most involved with § 87(2)(b) and his vehicle, so the investigation considers their testimony as to the set-up of the post and the location of § 87(2)(b) vehicle with the most weight. Still, given the security footage showing vehicles parking in the spot immediately prior to § 87(2)(b) arrival and immediately after officers removed his vehicle from the spot, the investigation does not credit that he parked his car in an illegal parking space. Whether he at any point drove through the area reserved with zones or committed traffic infractions while pulling into his ultimate parking spot remains disputed but is ultimately irrelevant to the question of whether his vehicle was parked legally when he exited it.

Officers provided inconsistent statements regarding an odor of marijuana, though the officers who did remember an odor of marijuana were the officers most directly involved with handling § 87(2)(b) and his vehicle. PO Robinson was in close proximity to the vehicle when he was removing and handcuffing § 87(2)(b) and did not recall an odor of marijuana. Sgt. Christie did not recall anything about marijuana. Lt. Desposito did not recall any conversation about an odor of marijuana and did not recall detecting any such odor himself. PO Zahid like Lt. Brovakos testified to smelling the scent of burning marijuana so strongly he believed someone had been smoking in the vehicle immediately prior to the incident or even that marijuana was actively burning in the car. In total, of the seven officers interviewed, four testified to an odor of marijuana in the vehicle. PO Fox stated the odor was of vegetative marijuana only, PO Cefarello testified to smelling both vegetative and burnt marijuana, and Lt. Brovakos and PO Zahid both testified they detected a scent of burning marijuana so strong they both believed someone had been smoking immediately prior or even that

marijuana was actively burning in the car during the incident. Contradicting Lt. Brovakos and PO Zahid, PO Cefarello stated specifically that the odor was mild such that he did not believe § 87(2)(b) had been smoking immediately prior. While PO Fox and Cefarello testified that officers found a small amount of marijuana and paraphernalia during the search at the stationhouse, there was no paperwork from the search documenting the alleged presence of marijuana in the vehicle. Given that the officer testimony was markedly inconsistent, given § 87(2)(b) denial of the presence of an odor of marijuana, § 87(2)(g)

As for crowd conditions on scene, PO Zahid did not recall if there were any civilians around. Sgt. Christie testified that there was a crowd of about 10 or more people nearby. He did not recall where the crowd was standing, but they were “up and down the block” and blocked from view by scaffolding. Sgt. Christie did not know if any civilians in the crowd approached any of the officers. Per Lt. Desposito, there was a small crowd forming to watch because § 87(2)(b) was a large development. Lt. Desposito did not recall where they were positioned; he did not have any interaction with the civilians in the crowd. PO Robinson did not know of any other civilians on scene and did not recall if there was a crowd or any civilians watching the incident.

The Fourth Amendment's proscription against unreasonable seizures prohibits the police from impounding a car solely because its driver or passenger is arrested.

Per People v Weeks, 182 A.D.3d 539 (2020), when a driver of a vehicle is arrested, the police may impound the car, and conduct an inventory search, where they act pursuant to reasonable police regulations relating to inventory procedures administered in good faith or in the interests of public safety and as part of community caretaking functions. In People v. Weeks the impoundment of a vehicle was found to be improper when the vehicle was legally parked and there was no demonstrated public safety or community caretaking reason for impoundment. (Board Review 26)

Per People v. Francis 12 Misc. 3d 781 (2006), a vehicle that is lawfully in police custody is subject to a routine inventory search to catalogue its contents. The lawful arrest of the vehicle's driver by itself does not justify impoundment, but a car may be impounded if there was a) probable cause to believe it was connected to criminal activity or b) the impoundment furthers police community caretaking functions such as safeguarding streets from road hazards or parking violations. Valid reasons for impounding a vehicle include a reasonable basis to believe that the car *itself* (emphasis added) is evidence of a crime, the car cannot be operated because it is unregistered, uninsured or uninspected, the car was involved in a fatal automobile accident, or the car was driven by an unlicensed driver or a driver whose license is suspended and there is no one who is legally able to drive the car (Board Review 24).

The specific objectives of an inventory search, particularly in the context of a vehicle, are to protect the property of the defendant, to protect the police against any claim of lost property, and to protect police personnel and others from any dangerous instruments in the vehicle. Inventory searches should be conducted according to an established procedure clearly limiting the conduct of individual officers. While incriminating evidence may be a consequence of an inventory search, an inventory search must not be a ruse for general rummaging in order to discover incriminating evidence. The hallmark of an inventory search is a meaningful inventory list. People v. Johnson, 1 N.Y.3d 252 (2003) (Board Review 25).

In People v. Lee 143 A.D.3d 626 (2016), the court found that an officers' search of a vehicle back at the police station and not at the arrest location was legitimate as an inventory search because it followed Patrol Guide procedure for inventory searches and officers made a contemporaneous list

of the items they systematically removed from the vehicle, thereby creating the eponymous inventory. In this case both defendant and his passenger were arrested, so no one was available, except the police, to take possession of the car. (Board Review 28).

The odor of marijuana emanating from a vehicle provides officers probable cause to search a vehicle and its occupants, People v. Chestnut, 43 A.D.2d 260 (1974) (Board Review 27).

NYPD Patrol Guide Procedure 218-13 states that officers must “thoroughly” search the interior of any vehicle that comes into police custody, documenting property in either a property voucher if deemed a valuable and in their memo book if deemed to be invaluable (Board Review 29)

Despite Lt. Brovakos’ testimony, there is no Patrol Guide procedure which prohibits officers wholesale from releasing the property of an arrestee to a designated third party, and applicable case law (People v. Francis 12 Misc. 3d 781, People v. Lee 143 A.D.3d 626) acknowledges that officers may do so, and further provides no one being present to take possession of an individual’s vehicle as a condition of its seizure under caretaking functions.

§ 87(2)(g) The only reasons the lieutenant provided for the seizure of § 87(2)(b) vehicle were that it was illegally parked and his belief that he could not release § 87(2)(b) vehicle to anyone else. § 87(2)(g)

Further, as discussed above, the lieutenant’s belief that he could not release the vehicle to § 87(2)(b) as a matter of procedure was erroneous. In addition to the fact that § 87(2)(b) car was legally parked, § 87(2)(b) attempted to give possession of his vehicle to his brother § 87(2)(b) —although no officer attempted to determine whether § 87(2)(b) was licensed and able to drive the vehicle— eliminating any need for officers to exercise a caretaking function and safeguard § 87(2)(b) property for him. § 87(2)(b) vehicle was not unregistered, uninsured, or uninspected; officers released it to him after releasing him from custody and allowed him to drive it home.

These caretaking functions thus inapplicable, per People v. Francis, officers may impound a vehicle if there was probable cause to connect it to criminal activity. No officer articulated any belief that § 87(2)(b) vehicle was *itself* evidence of a crime. § 87(2)(b) vehicle was not involved in a fatal automobile accident. § 87(2)(g)

PO Cefarello testified that the vehicle needed to be removed for the search because the incident location was not sufficiently safe or controlled due to the number of civilians and officers present; however Lt. Brovakos, who made the decision, did not testify that safety conditions on scene influenced his decision to remove the vehicle. Rather, he specifically stated there was no other reason to remove the vehicle than because it was illegally parked. While Lt. Brovakos did state there “may have” been civilians across the street from the incident location and that they may have been yelling, he did not recall this specifically nor testify that these civilians’ presence made the scene insecure or unsafe. No other officers testified to a crowd or group of civilians interfering with police activities. Review of BWC and security footage does not show any civilians (with the exception of § 87(2)(b)) engaging with the police around the time when the decision to remove § 87(2)(b) vehicle was made, nor does the footage show a large crowd that might reasonably cause a security concern by its presence alone. Despite Lt. Brovakos recollection, no group of civilians is audible yelling in any of the BWC videos. Further, the security footage shows that a large number of officers in multiple vehicles responded and blocked off the street. Besides PO Cefarello’s singular

testimony, there is no reason to believe this substantial police presence was unequipped to secure the scene. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

It is undisputed that officers produced no inventory or vouchers regarding their search of § 87(2)(b) vehicle, and PO Cefarello testified that the search he conducted did not involve systematically removing and documenting the contents of the vehicle. § 87(2)(g)

Allegation (I) Abuse of Authority: Officers damaged § 87(2)(b) property.

It is undisputed that officers searched § 87(2)(b) vehicle. As stated above, the investigation determined that Lt. Brovakos, PO Cefarello, and PO Zahid searched the vehicle. It remains in dispute whether they damaged any property while doing so and if so, which officer did so.

§ 87(2)(b) testified that after he was released and received his vehicle, it was a mess. His social work documents were scattered around the car. Before the incident, § 87(2)(b) had a bottle of Bleu de Chanel and Polo perfume in his car. On returning to his car, he found that the bottom of the glass bottle of Chanel perfume was chipped off and the Polo perfume bottle's cap was broken off. § 87(2)(b) collected glass particles from the car and threw them away.

None of the officers involved recalled any perfume bottles. All three officers denied breaking any perfume bottles and denied seeing any other officer do so. None of the officers involved had a specific recollection of where in the vehicle they searched.

§ 87(2)(b) provided photographs of the chipped bottom of a Bleu de Chanel perfume bottle (Board Review 08)

§ 87(2)(b) did not witness the damage to his property as it occurred, he only found it after he received his car on his release. He did not know which officers were involved. While three officers searched the vehicle, no officer had a specific recollection of where they searched or recalled the perfume bottles. They made no BWC recordings of their search and there was no paperwork documenting the search. Therefore, the investigation was not able to identify a specific officer or officers who allegedly damaged the perfume bottles or even who searched the area of the vehicle where the perfume bottles were § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

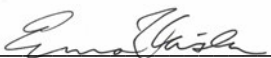
Civilian and Officer CCRB Histories


- § 87(2)(b)
- PO Fox has been a member of service for five years and has been a subject in two prior CCRB complaints and six allegations, of which one was substantiated.
 - 201802003 involved a substantiated allegation of forcible removal to the hospital, for which the Board recommended Command Level Instructions. The NYPD imposed no penalty.
 - § 87(2)(g)
- Lt. Brovakos has been a member of service for 14 years and has been a subject in 33 total CCRB complaints and 124 allegations, of which two were substantiated:
 - 201905132 involved a substantiated allegation of discourtesy against Lt. Brovakos. The NYPD imposed instructions.
 - 201500206 involved a substantiated vehicle search allegation against Lt. Brovakos. The NYPD imposed formalized training.
 - Lt. Brovakos' CCRB history contains eight prior vehicle search allegations. One was substantiated, one was closed as complainant unavailable, one was mediated, and five remain under investigation.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of September 8, 2021 the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 31).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: ___15___

Investigator:	<u></u>	<u>Inv. Emma Kaisla</u>	<u>11/22/21</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u></u>	<u>IM Simon Wang</u>	<u>11/22/21</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date